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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  CHRISTOPHER ALLAN ALLRED,

12                  Petitioner,

13                  v.

14                  STATE OF WASHINGTON,

15                  Respondent.

CASE NO. 3:23-cv-05182-LK-JRC

ORDER FOR SERVICE AND  
ANSWER, § 2254 PETITION

16                  This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently  
17 incarcerated at **Coyote Ridge Corrections Center (“CRCC”)** and is subject to the Court’s  
18 Electronic E-Filing Program pursuant to General Orders 02-15 and 06-16. The Court, having  
19 reviewed petitioner’s federal habeas petition, hereby finds and ORDERS as follows:

20                  (1)     Petitioner names State of Washington as respondent. Dkt. 1. The proper  
21 respondent to a habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. §  
22 2242; *see also* § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v.*  
23 *Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The official having custody of petitioner where he is  
24

1 currently confined – CRCC – is CRCC’s Superintendent Melissa Andrewjeski. Accordingly, the  
2 Clerk is directed to substitute Superintendent Melissa Andrewjeski as the respondent in this  
3 action. If any party believes that Superintendent Andrewjeski is not the proper respondent, the  
4 party shall file a motion to substitute the correct respondent.

5 (2) The Clerk shall arrange for service by e-mail upon respondent and upon the  
6 Attorney General of the State of Washington, copies of the petition, all documents in support  
7 thereof, and this Order. The Clerk shall also direct a copy of this Order and the Court’s *pro se*  
8 instruction sheet to petitioner.

9 (3) Within *forty-five (45) days* after such service, respondent(s) shall file and serve an  
10 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States  
11 District Courts. As part of such answer, respondent(s) shall state whether petitioner has  
12 exhausted available state remedies and whether an evidentiary hearing is necessary.  
13 Respondent(s) shall not file a dispositive motion in place of an answer without first showing  
14 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of  
15 the Court and serve a copy of the answer on petitioner.

16 (4) The answer will be treated in accordance with LCR 7. Accordingly, on the face  
17 of the answer, respondent(s) shall note it for consideration on the fourth Friday after filing.  
18 Petitioner may file and serve a response not later than the Monday immediately preceding the  
19 Friday designated for consideration of the matter, and respondent(s) may file and serve a reply  
20 not later than the Friday designated for consideration of the matter.

21 (5) Filing by Parties, Generally

22 All attorneys admitted to practice before this Court are required to file documents  
23 electronically via the Court’s CM/ECF system. Petitioner shall file all documents electronically.  
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1 All filings must indicate in the upper right hand corner the name of the magistrate judge to whom  
2 the document is directed.

3 Any document filed with the Court must be accompanied by proof that it has been served  
4 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner  
5 shall indicate the date the document is submitted for e-filing as the date of service.

6 (6) Motions

7 Any request for court action shall be set forth in a motion, properly filed and served.  
8 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
9 part of the motion itself and not in a separate document. The motion shall include in its caption  
10 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
11 consideration on the Court's motion calendar.

12 (7) Direct Communications with District Judge or Magistrate Judge

13 No direct communication is to take place with the District Judge or Magistrate Judge with  
14 regard to this case. All relevant information and papers are to be directed to the Clerk.

15 Dated this 29th day of March, 2023.

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19 J. Richard Creatura  
United States Magistrate Judge